

SECOND REGULAR SESSION

SENATE BILL NO. 856

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAEFER.

Read 1st time January 28, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

4475S.011

AN ACT

To repeal section 558.016, RSMo, and to enact in lieu thereof one new section relating to persistent misdemeanor offenders, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 558.016, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 558.016, to read as follows:

558.016. 1. The court may sentence a person who has pleaded guilty to
2 or has been found guilty of an offense to a term of imprisonment as authorized
3 by section 558.011 or to a term of imprisonment authorized by a statute governing
4 the offense if it finds the defendant is a prior offender or a persistent
5 misdemeanor offender, or to an extended term of imprisonment if it finds the
6 defendant is a persistent offender or a dangerous offender.

7 2. A "prior offender" is one who has pleaded guilty to or has been found
8 guilty of one felony.

9 3. A "persistent offender" is one who has pleaded guilty to or has been
10 found guilty of two or more felonies committed at different times.

11 4. A "dangerous offender" is one who:

12 (1) Is being sentenced for a felony during the commission of which he
13 knowingly murdered or endangered or threatened the life of another person or
14 knowingly inflicted or attempted or threatened to inflict serious physical injury
15 on another person; and

16 (2) Has pleaded guilty to or has been found guilty of a class A or B felony
17 or a dangerous felony.

18 5. A "persistent misdemeanor offender" is one who has pleaded guilty to
19 or has been found guilty of two or more class A or B misdemeanors, committed

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 at different times, which are defined as offenses under chapters 195, **455**, 565,
21 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, [and] 576, **and 577**, RSMo.

22 6. The pleas or findings of guilty shall be prior to the date of commission
23 of the present offense.

24 7. The total authorized maximum terms of imprisonment for a persistent
25 offender or a dangerous offender are:

- 26 (1) For a class A felony, any sentence authorized for a class A felony;
27 (2) For a class B felony, any sentence authorized for a class A felony;
28 (3) For a class C felony, any sentence authorized for a class B felony;
29 (4) For a class D felony, any sentence authorized for a class C felony.

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Bill

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